

BOARD OF COUNTY COMMISSIONERS
Agenda Item Summary

Meeting Date August 18, 2004

Division **County Attorney**

AGENDA ITEM WORDING

Approval of a Consent to Landlord to Assignment from Monroe County to Canalis Holding Corp. to Earthmark Co. to Ocean Sunrise Assoc.

ITEM BACKGROUND

County previously leased to Canalis Holding Corp. which sold to Earthmark. County approved assignment to Earthmark. Earthmark has assigned lease to its wholly owned subsidiary Ocean Sunrise.

PREVIOUS RELEVANT BOCC ACTION

CONTRACT/AGREEMENT CHANGES

STAFF RECOMMENDATIONS

Approval.

TOTAL COST **BUDGETED** Yes No

COST TO COUNTY **SOURCE OF FUNDS**

APPROVED BY: County Attorney ■ OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:

John R. Collins 07/29/04
JOHN R. COLLINS

DOCUMENTATION: Included To Follow Not Required

AGENDA ITEM # 02

**CONSENT OF LANDLORD
TO ASSIGNMENT**

KNOW ALL MEN BY THESE PRESENTS THAT: The Monroe County Board of County Commissioners, the Lessor in the lease entered into November 12, 1997, with Canalis Holding Corp., and previously assigned to Earthmark Companies, LLC, does hereby consent to the assignment of said lease from Earthmark Companies, LLC, to its wholly owned subsidiary Ocean Sunrise Associates LLC, a Florida limited liability company, subject to all the rents, agreements and conditions of said lease.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on this ____ day of _____, 2004.

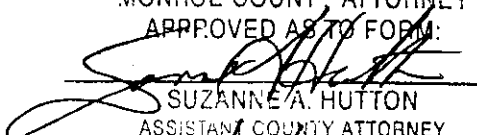
(SEAL)
ATTEST:
DANNY L. KOLHAGE, CLERK

MONROE COUNTY BOARD OF
COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Murray Nelson, Mayor

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:


SUZANNE A. HUTTON
ASSISTANT COUNTY ATTORNEY

Date 7/20/04

ASSIGNMENT OF LEASE

Effective this 14th day of July, 2004, Earthmark Companies, LLC, a Florida limited liability company, ("Assignor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), hereby assigns, sets over, and transfers to Ocean Sunrise Associates LLC, a Florida limited liability company, ("Assignee") all of its right title and interest in and to that certain Lease attached hereto as Exhibit A.

Earthmark Companies, LLC, a Florida limited liability company

By: Doug Cordello

Doug Cordello, Manager

Date: 14th July 2004

ACKNOWLEDGED AND ACCEPTED

Ocean Sunrise Associates LLC hereby acknowledges and accepts the foregoing Assignment and agrees to fully assume all of Assignor's obligations as set forth under the above referenced Lease.

Ocean Sunrise Associates LLC, a Florida limited liability company

By: Earthmark Companies, LLC, a Florida limited liability company, its sole member,

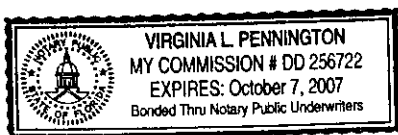
By: Doug Cordello

Doug Cordello, Manager

Date: 14th July 2004

STATE OF FLORIDA
COUNTY OF LEE

The foregoing Assignment of Lease and Acknowledged and Accepted statement was signed and acknowledged before me by Doug Cordello as Manager of Earthmark Companies, LLC, a limited liability company formed under the laws of the State of Florida, who is personally known to me, this 14th day of July, 2004.



Signature of Notary Public: Virginia Pennington

Printed Name of Notary: Virginia Pennington

Commission Number: DD256722 Expiration: 10/7/07

ASSIGNMENT OF LEASE

KNOW ALL MEN BY THESE PRESENTS THAT CANALIS HOLDING CORP., the lessee under Lease Agreement dated 12/01/1997 through 11/30/2017 demising the parking premises described on Exhibit A attached hereto located in Monroe County, Florida.

HEREBY assigns and transfers to EARTHMARK COMPANIES, LLC, a Florida limited liability company, as Assignee herein, all right, title and interest in said lease for and during the rest and remainder of the term of said Lease, and subject all of the rents, agreements and conditions of said lease.

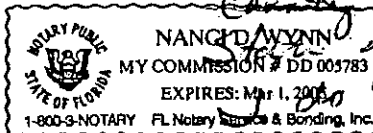
TO HAVE AND TO HOLD the same unto the said Assignee from the 2nd day of February, 2004.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on the 2nd day of February, 2004.

Signed, sealed and delivered
In the presence of:

Nanci Wynn
Carol Carson

By: John M. Singleton
CANALIS HOLDING CORP.,
JOHN M. SINGLETON, PRES.



County of Lake
State of Florida
I hereby certify that John M. Singleton
did appear before

ACCEPTANCE OF LEASE

By: Nanci Wynn

KNOW ALL MEN BY THESE PRESENTS THAT: EARTHMARK COMPANIES, LCC, a Florida limited liability company, the Assignee named in the foregoing Assignment of Lease, hereby accepts the Lease referred to therein and hereby agrees to abide by the terms and conditions thereof and to pay the rent thereon.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on this 2nd day of Feb, 2004.

Signed, sealed and delivered
In the presence of:

Nanci Wynn
[Signature]

EARTHMARK COMPANIES, LLC

By: [Signature]
President

County of Lake
State of Florida

... that Nanci Wynn did appear